

REMARKS

The examiner rejected claims 3-7, 9-11, 14, 16-20 and 22-46 under 35 U.S.C. § 103 as being unpatentable over Lewis in view of Kassab. The examiner stated, "Lewis does not teach the illumination assembly mounted to only one side of the mounting film or a static cling mount." The examiner also stated, "Kassab teaches a... transparent mounting film 20 for supporting display 32 (Fig. 15)." Thus, the examiner concluded, it would have been obvious to use the Kassab mounting means with the Lewis display so that the Lewis display can be attached to a variety of surfaces without leaving adhesive residue.

The Lewis reference teaches a light and batteries that are mounted to an adhesive display sticker. The side of the sticker with the light and batteries also has adhesive (see Fig. 1) that is adhered to a substrate, such as a garment (see column 2, lines 32-36). The displayed portion of Lewis' sticker is on the side opposite the adhesive, light and batteries.

Kassab teaches, as the examiner noted, to mount a display sticker on one side of a static cling mounting film. The display used in Kassab is a sticker having adhesive that adheres the sticker to the static cling film ("The present invention, nevertheless, applies to any type of car window sticker that is designed to be adhered to the car windshield 12 or other car windows by an adhesive layer on the sticker 14." See column 5, lines 29-32). The "static cling film is used as an intermediary between the windshield sticker 14 and the windshield 12." See column 5, lines 48-50. Thus, Kassab teaches to adhere a sticker

to the static cling film using the sticker's adhesive, and then statically mount the static cling film to the windshield.

If Lewis and Kassab are combined according to their collective teaching, the sticker of Lewis would be adhered to the static cling film of Kassab using the adhesive that is on the Lewis sticker. However, such a combination would not result in the invention, because this combination would sandwich the batteries and light of Lewis between the sticker sheet 12 of Lewis and the static cling film of Kassab. Applicant's claims specifically avoid such a structure, with the limitation in claim 3 (representative of similar language in the other independent claims) that "the illumination assembly and the power supply... are not sandwiched between the mounting film and another film." The combination of Lewis and Kassab, even if obvious, would be a structure that does not fall within the limitations of Applicant's claims.

In order to combine Lewis and Kassab to form the claimed invention, a person of ordinary skill would have to (1) add an adhesive to the display side of the Lewis sticker, (2) adhere the added adhesive of Lewis to the mounting film while (3) ignoring the adhesive layer already present on the opposite side of the Lewis device for attaching to a substrate. There is no incentive for doing this. Furthermore, Lewis teaches away from doing this where it teaches to adhere the device to a substrate using the "layer of adhesive 18" (see Fig. 1). The invention is not obvious from the prior art, because there is no suggestion to construct the claimed invention. Instead, the prior art teaches away from Applicant's invention.

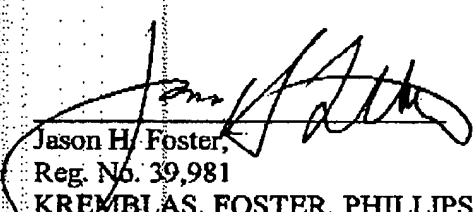
Only Applicant has recognized the advantages of a static cling film mounted to an illumination assembly that includes a light and a power supply on one side of the static cling film. Therefore, reconsideration and allowance are respectfully requested.

The examiner is authorized to communicate with the undersigned attorney by email by the following recommended authorization language: Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. (authorization pursuant to MPEP 502.03)

The Commissioner is authorized to charge Deposit Account No. 13-3393 for any insufficient fees under 37 CFR §§ 1.16 or 1.17, or credit any overpayment of fees.

Respectfully submitted,

21 Feb. 2006  
Date of Signature

  
Jason H. Foster,  
Reg. No. 39,981  
KREMBLAS, FOSTER, PHILLIPS & POLLOCK  
7632 Slate Ridge Blvd.  
Reynoldsburg, OH 43068  
Voice: 614/575-2100  
Fax: 614/575-2149  
email: jfoster@ohiopatent.com

P:\client\docs\w\woodruff - wdrfj\100 candle on cling film\resp ca 11-21-05.doc